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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,653	03/14/2001	Ahmet Mursit Eskicioglu	RCA 89131	7330

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Joseph S Tripolis
Thomson Multimedia Licensing Inc
PO Box 5312
Princeton, NJ 08540

EXAMINER

DAVIS, ZACHARY A

ART UNIT PAPER NUMBER

2137

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 09/743,653	Applicant(s) ESKICIOGLU ET AL	
	Examiner Zachary A. Davis	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-17 is/are pending in the application.
- 4a) Of the above claim(s) 7-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species A, corresponding to Claims 1-4, 6, and 15-17 in the reply filed on 25 May 2006 is acknowledged.
2. Claims 7-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 25 May 2006.

Response to Arguments

3. Applicant's arguments with respect to claims 1-4, 6, and 15-17, presented in the response received 30 January 2006, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudelski et al, US Patent 5144663, in view of Saito, US Patent 5740246.

In reference to Claim 1, Kudelski discloses a method for managing access to a restricted transmitted event including receiving and decrypting encrypted access information (column 6, lines 4-10) which includes data corresponding to the price of the transmitted event (column 3, lines 6-13 and 42-50), verifying that the cost of the event is less than a pre-stored cash reserve (column 6, lines 35-41), and receiving and descrambling the scrambled transmitted event (column 4, lines 5-19). Kudelski further discloses that the encrypted access information may be encrypted using any encryption system (column 4, lines 54-57); however, Kudelski does not explicitly disclose using a public key system for encrypting the access information, where the public key is shared.

Saito discloses a cryptographic system for conditional access that includes a charging center when data is provided on a pay basis (see, for example, column 8, lines 43-50, 52-55, and 59-62) and that further includes encrypting a symmetric key with a public key at the sender and decrypting the symmetric key with the corresponding private key at the receiver, where the symmetric key is used to encrypt (or scramble) program data in the conditional access system (see, for example, column 14, line 56-column 15, line 33). Saito further discloses that the public key is common to all service providers (see column 13, lines 44-58, where the data managing center supplies the public key for all the data). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Kudelski by encrypting the access information with a shared public key, in order to prevent

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unjustified use of data and copyright management in a pay per view or video on demand system (see Saito, column 6, lines 29-34).

In reference to Claim 2, Kudelski and Saito further disclose that the access information includes a descrambling key (Kudelski, column 6, lines 6-10; Saito, column 14, line 56-column 15, line 33) and purchase information including channel identification data, event identity data, date and time stamp data, and billing data (Kudelski, column 6, lines 11-50).

In reference to Claim 3, Kudelski and Saito further disclose transferring data associated with the purchased event to update a user's account information (Kudelski, column 8, lines 48-58).

In reference to Claim 4, Kudelski and Saito further disclose a smart card (Kudelski, column 4, lines 58-63; Saito, column 14, lines 42-44).

In reference to Claim 15, Kudelski and Saito further disclose that the transmitted event can be audio/video program data (see Kudelski, column 1, lines 17-22; column 3, lines 6-20; see also Saito, column 8, lines 52-55).

In reference to Claim 16, Kudelski and Saito further disclose that a service provider can be a television or cable network (see Kudelski, column 1, lines 13-23; column 3, lines 46-50; see also Saito, column 8, lines 52-55).

In reference to Claim 17, Kudelski and Saito further disclose that the transmitted event can be a package of programs (Kudelski, column 7, line 65-column 8, line 5, where a subscription can be purchased).

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6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kudelski in view of Saito as applied to claim 4 above, and further in view of EBU Project Group, "Functional Model of a Conditional Access System".

Kudelski as modified by Saito discloses everything as applied to Claim 5; however, Kudelski as modified above does not explicitly disclose the use of the PCMCIA card standard in the smart card. EBU discloses that a smart card used in a conditional access system may use the PCMCIA standard (page 69, section 3.4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Kudelski and Saito to use the PCMCIA standard for the smart card, in order to allow the system to contain the conditional access system and the descrambler in a single unit (see EBU, page 69, section 3.4).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Jones et al, US Patent 5440634, and Hiroya et al, US Patent 5754654, disclose systems including electronic purses (e.g. smart cards) using a global public key.

b. Wasilewski et al, US Patent 5870474, discloses a conditional access system that uses several layers of encryption, both symmetric and asymmetric, and that can have several service providers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571) 272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER